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Notice of Allowability

Application No.	Applicant(s)	
09/869,421	JOHNSON ET AL.	
Examiner	Art Unit	
John Pezzlo	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. This communication is responsive to amendment filed 14 April 2005.
- 2. The allowed claim(s) is/are 1-10.
- 3. The drawings filed on 27 June 2001 are accepted by the Examiner.
- 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413), Paper No./Mail Date _____
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____

**JOHN PEZZLO
PRIMARY EXAMINER**

DETAILED ACTION

Allowable Subject Matter

Claims 1-10 are allowable over the prior art of record.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Applicants have claimed the following uniquely distinct features in the instant invention, which are not found in the prior art, either singularly or in combination:

1. Regarding claim 1- A method of communicating over a local area wireless link, said method comprising the steps of: performing at least once, a higher data rate transmission of a data packet comprising a header data and a payload data, wherein said header data is transmitted at a first transmission data rate and said payload data is transmitted at a second transmission data rate, said second data rate being higher than said first data rate, said header data containing a field describing said second transmission data rate of said payload data, monitoring for receipt of a confirmation signal, said confirmation signal confirming that said data packet has been received, monitoring a number of said higher data rate transmissions made, if a number of said higher data rate transmissions of said data packet has been made which exceeds a first predetermined number, and said confirmation signal is not received, then performing at least one lower rate transmission of said data packet, wherein said header data is transmitted at said first

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data rate and said packet data is transmitted at a data rate being lower than said second transmission data rate, monitoring a number of said lower data rate transmissions of said data packet, and if a number of said lower data rate transmissions exceeds a second predetermined number, and said confirmation signal is not received, dropping said data packet.

2. Regarding claim 6 - A computer entity capable of communicating over a local area wireless link, said computer entity comprising a transmitter, and a receiver wherein said computer entity further comprises: a processor adapted to control a rate of transmission by the transmitter of a data packet comprising header data and payload data, and to monitor receipt by the receiver of a confirmation signal for confirming that said data packet has been received, a timer for timing at least one pre-determined time period for monitoring receipt of said confirmation signal, said computer entity operating to: perform at least once, a higher data rate transmission of a data packet comprising a header data and a payload data, wherein said header data is transmitted at a first transmission data rate and said payload data is transmitted at a second transmission data rate, said second data rate being higher than said first data rate, said header data containing a field describing said second transmission data rate of said payload data, monitor receipt of a confirmation signal, said confirmation signal confirming that said data packet has been received, monitor a number of said higher data rate transmissions made, if a number of said higher data rate transmissions of said data packet have been made which exceeds a first predetermined number, and said confirmation signal is not received, then performing at least one lower data rate transmission of said data packet, wherein said header data is transmitted at said first data rate and said packet data is transmitted at a data rate being lower than said second transmission data rate, monitoring a number of said lower data rate transmissions of said

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data packet, and if a number of said lower data rate transmissions exceed a second predetermined number, and said confirmation signal is not received, dropping said data packet.

The closest prior art, either singularly or in combination, fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 1-10 being allowable, **Prosecution On The Merits Is Closed** in this application.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kubler et al. (US 6,389,010 B1) discloses a hierarchical data collection network supporting packetized voice communications among wireless terminals and telephones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

3 June 2005


JOHN PEZZLO
PRIMARY EXAMINER